

Dear Government Operations Committee

5-15-2013

I am proposing a to run constitutional amendment as a committee bill that would allow the voters of Utah to implement a recall law. I don't want this recall law to be a free for all that cost millions of dollars because people get a whim and decide to recall an official. The idea behind this amendment and change to our election law is is not as much about removing someone from office as much as it is empowering the people who place their trust in their elected officials.

Recall Laws vary from State to State with 38 States having a recall law of some sorts. I have found some states only use "criminal standard" or as some people call it a malfeasance standard, some have a provision for "incompetence." The benefits to such a standard is that it cuts down on baseless recalls. Of course the problem with such a standard is that it greatly limits the recalls use, and effectively guarantees that any recall effort will end up in court.

Montana has the incompetence provision here:

<http://codes.lp.findlaw.com/mtcode/2/16/6/2-16-603>

You do want to avoid having pre-judicial approval -- that will probably kill any recalls. Minnesota adopted the recall in the 90s. They have never had a recall. California has something I think is good in a recall petition (the only exception is the Governor who has a very low signature total). What California does is have differing signature requirements based on the size of the jurisdiction facing the recall. I think this is very useful. So, for example, if it is a city of under 10,000, the recall would need signatures from say 30% of the turnout in the last election for that office. The percentage number goes down for larger cities. This will limit the truly frivolous recalls from getting on the ballot.

I also would suggest that we would set recall dates on pre-existing Election/Primary day. I imagine this would greatly cut down on the costs. Michigan just adopted such a law. There are negatives to this type law, but the value is clear. We should also probably make sure that the recall occurs as a one day/one ballot proposition, either like California's vote whether to recall the official and at the same time you can vote for a replacement or like Wisconsin's whole new election.

I have requested to open a bill file to accomplish much of what I have mentioned above. This law would be able to be used by the voters to express their distrust in an elected official and would like to make this a committee bill and would appreciate any feedback and advice.

Rep. Lee Perry
House District 29

<http://www.standard.net/stories/2013/01/02/recall-law-badly-needed-utah>